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NEED OF A FEDERAL OFFICE OF PRISONS

ation of the entire case, shall find affirmatively that the error complained of has resulted in a miscarriage of justice.

6th: A bill providing for the issue of a summons or notice in criminal cases of which a justice of the peace, police justice, or other similar official has jurisdiction, in lieu of a formal warrant, in the discretion of such justice of the peace, etc.

These three bills have been approved by your commission.

7th: A bill permitting the amendment of indictments in criminal cases, in the discretion of the court. While your commission approves the principle of this bill, several of its members are not completely satisfied as to its constitutionality.

Mr. F. Neale Parke desires that it should be here stated that he does not approve of the principle of the indeterminate sentence or of the purchase of a penal farm.

Respectfully submitted on behalf of the commission.

February 16th, 1914.

ELI FRANK,
Chairman.

From E. O. DUNNE,
Baltimore.

The Need of a Federal Office of Prisons.—The following is extracted from an address recently made by Dr. E. Stagg Whitin, until recently chairman of the National Committee on Prison Labor: [Ed.]

"A case now pending before the Supreme Court of Rhode Island is of fundamental significance from the point of view of the rights of the convict, and it should pave the way for federal action. Rhode Island in the early forties, without exception, prohibited slavery in its Constitution, making no mention of the slave status as a punishment for crime. A former convict, Anderson by name, sues the business interests to whom his services were let by the state for wage, in payment for his services. It is contended that while in prison he was a ward of the state under instruction; that the business interests profited by his services, and as by the Constitution of the state he could not be in slavery, he asks the reward for his toil for the benefit of an aged mother and others dependent upon him.

"Slavery with its exploitation has seen the only alternative; for the deprivation of liberty there has grown up a new concept of control whether it be over the child, the feeble-minded, the insane or the delinquent: a control for the benefit of the individual controlled—a control for his education, for his cure, for the insuring of his happiness. Modern education with its psychological study of the power of interest has pointed a new opportunity; the brutality of the old school system, the torture of the insane must give place. The ward of the state, whether child, insane or criminal should stand in a new relation. The parent-right, whether exercised by a natural parent or by the state, may limit the boundaries of the ward's activities for the ward's own good and the good of society in which afterward he is to take his place. Neither the parent nor the state any longer has the right to exploit the child or the convict or the insane to their detriment. * * * *

"When government fails, voluntary associations come into existence to do in part the work left undone by government. The National Committee on Prison Labor has had as its task for several years now the standardization of

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penal practices and the development of functioning industrial groups interchanging their products and tending towards self-maintenance. Whether on the farm, in the road camp, the productive trade-school or state work-shop, by new efficiency, new incentives through wage, new hope through personal encouragement, there must be shaped along scientific lines a refinery for the dregs of society. The national incorporation of this committee under the bill introduced by Senator O'Gorman and now before congress will do little more than give expression to what is already a reality; still it is hoped that the better recognition by congress of the constructive possibilities in this problem will make clearer the need of legislation contemplated by the National Committee on Prison Labor and will lead indirectly at least to congressional participation in the work of amelioration of the condition of this lowest strata of society.

"Since the report of the Industrial Commission of 1900, congress has had before it bills for the restriction by indirect method of the evils resulting from the contracting-out of the prison population. Their failure of passage has been partly due to their dissociation from any constructive scheme of betterment of prison conditions. In its present form the bill known as the Booher-Hughes Bill, which will terminate the vicious contract system, because combining as it does with legislation in the states themselves, it will destroy the profitable nature of this form of convict exploitation.

The Attorney General, under several administrations, has asked for a commission to study jail and other penal conditions. I need not point out to the woman's department of the National Civic Federation the success of the only one of these commissions which was duly constituted and which did such good work with the help of Mrs. J. Ellen Foster, Miss Maude Wetmore, Miss Helen Varick Boswell and others. The bill for a nation-wide work, based on the same principles as the work done by your district commission, is still pending before congress. The commission must show the need of reorganization of the work of supervision over our national prisons to meet adequately the tremendous growth in that quarter during the last few years.

"The passage of this legislation cannot fail to bring to the fore, not only the facts as to the present conditions but the need for drawing into the movements for penal reform, many of the agencies under the control of congress. The development of penal farm colonies must have the support of the Department of Agriculture; the development of the convict road camp must have the aid of the Office of Public Roads; and, more directly under the Department of Interior, the great public works, whether irrigation or water-ways, must afford opportunity for development in connection with the penal system. Federal aid, restricted we shall hope by all safeguards which Senator Borah has so cleverly worked out in his road bill at present before congress, will find in the newly developing convict system a method of double helpfulness in that the opportunities presented for convict labor will make imperative a more scientific and more definitely organized local state department to handle and be responsible for the development of public works, whether the federal aid be given on highways construction, the preservation of forest reserves, or industrial institutions, and it is to be hoped that it will be made possible for use in all these directions. From the national government, city, county or state, officials should be able to secure information and recommendation as to the most approved methods, while in the great training schools which the govern-

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ment is conducting the future Colonel Goethals should be called upon to aid with their training in scientific engineering.

"How long voluntary associations like the National Committee on Prison Labor and the National Civic Federation must act as centers for standardization in broad national ways of local penal agencies and provide for their inclusion in the big constructive development which the national government is undertaking remain to be seen, but certain it is that a government which can build the Panama Canal and change in a few years the whole life of the Philippine Islands will not hesitate to assume the responsibility."

E. STAGG WHITIN, Columbia University.

Work of the Massachusetts Board of Parole.—When a young man or a boy comes up before the state board of parole for examination as to his merits regarding possible release from imprisonment in the Concord reformatory, a question frequently asked of him is, "What is your reason for thinking that you should be let out?" With an approach to unanimity that is almost startling comes the answer, "Well, I think I have been punished enough!" But nowadays the conviction is being borne in upon them that they are there to learn, rather than to be punished. And this idea that correction of waywardness and education along lines adapted to the boy's special needs and capabilities must be always kept in mind, is the mainspring of action in the parole board's system of work.

The board of parole, headed by Frank L. Randall of the prison commission, includes the following members: Deputy Prison Commissioner John B. Heberd, Warren F. Spalding, Benjamin L. Young and Thomas C. O'Brien. The commissioner and deputy commissioner are members ex-officiis. The other three members are appointed by the Governor for terms of three years. This board has in its membership three lawyers (one of them a man of long experience in dealing with penal affairs), a school man and a man who has spent his whole life in the work of prison reform. The board has charge of parole matters at the Massachusetts reformatory and the state prison, and acts as an advisory board of pardons for the Governor. There is another board of parole composed of the chairman and the two women members of the prison commission, and this board does the parole work at the reformatory for women at Sherborn.

A primary fact to be noted in considering our penal system is the difference between parole and probation. To many minds the difference, both in theory and practice, is probably somewhat vague. On this point Deputy Commissioner Heberd is well qualified to speak. Mr. Heberd says:

"The problems connected with probation and those connected with parole are vitally different. The first difference is in the type of person to be dealt with. Many on probation from the court are first offenders and persons with no criminal history or criminal intent. They have made mistakes or have fallen into bad company and as a result have found themselves summoned before the court. Many of them come from the homes of the well-to-do, have had a decent family training, and after being placed on probation once, never again appear before the court.

"In parole work, however, because of the extent to which probation is used, an entirely different type of person is the rule rather than the exception. Those in our reformatories and prisons today have gone through the processes of probation, suspended sentence and the like, and have worn out all the